

Judge Brian Lynch
June 6, 2023 9:00am
Via Zoomgov

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

GERMAN WISE DENTAL LLC, DBA LOWER
COLUMBIA ORAL HEALTH,

Debtor.

Case No. 22-40773-BDL

Chapter 7 Bankruptcy

Notice of Motion and Motion for
Relief from Automatic Stay

Noted for Consideration: 06/06/23

NOTICE OF HEARING

Notice is hereby given that the Motion for Relief from Automatic Stay filed by CODY WHITE on April 25, 2023, shall be heard on June 6, 2023 at 9:00 am before the Honorable Brian D. Lynch via ZoomGov.

ZOOMGOV ACCESS INFORMATION

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5
6 **MOTION**

7 COMES NOW, CODY WHITE, ("Movant") by and through his attorney, MARGARET M.
8 STURM, and pursuant to 11 U.S.C. Sec 361, 362, 363 and Bankruptcy Rule 4001, moves the Court
9 for an Order for Relief from Automatic Stay imposed by 11 U.S.C. Sec 362 of the Bankruptcy
10 Code.

11 **I. JURISDICTION AND VENUE**

12 The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec 157 and 1334. This is a
13 core proceeding under 28 U.S.C. Sec 157(b)(2). The venue of this case and this Motion is proper
14 under 28 U.S.C. Sec 1408 and 1409.

15 **II. STANDING**

16 Movant has standing to bring this Motion as the holder of a claim for personal injuries against
17 German Wise Dental, LLC and therefore a creditor of German Wise Dental, LLC. Movant filed a
18 claim for personal injuries against Debtor in Cowlitz County Superior Court Cause No. 21-2-00927-
19 08 on December 20, 2021.

20 **III. FACTS**

21 1. On June 24, 2022, GERMAN WISE DENTAL, LLC ("Debtor") filed a Petition for Relief
22 under Chapter 7 of the Bankruptcy Code. Subsequent to the filing Donald A. Thacker was
23 appointed as Trustee. Upon filing his Petition for Relief, pursuant to Bankruptcy Chapter 7, an
24 Automatic Stay had the effect of staying Movant's action against debtor and Sam Wise.

25 2. Debtor has insurance coverage with a limit of \$2,000,000.00 available to compensate

1 Movant. Such insurance proceeds are not a part of the Bankruptcy Estate.

2 3. No other parties have an interest in the insurance proceeds.

3 4. Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. Sec 362(d)(1) and
4 362(d)(2) because:

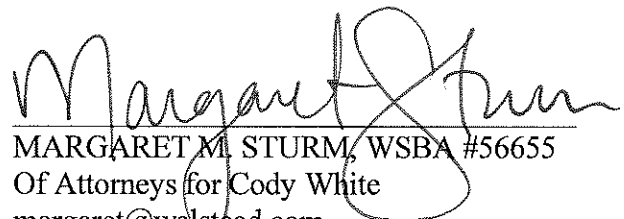
5 a. Movant's claim is for insurance proceeds which are not a part of the bankruptcy
6 estate.

7 b. No other party has an interest in the insurance proceeds.

8 **IV. PRAYER FOR RELIEF**

9 WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the
10 automatic stay of Sec 362 of the Bankruptcy Code to permit Movant to proceed under law and for
11 such other and further relief as the Movant may be entitled.

12 DATED: April 25, 2023.

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